

United States District Court
Eastern District of North Carolina
Western Division

FILED

NOV 14 2008

DENNIS P. IAVARONE, CLERK
US DISTRICT COURT, EDNC
BY _____ DEP CLK

No 5:08-CT-3152

Lacy Lee Williams Jr.

Prison Number 269433

V.

Superior Court Judges: Paul Geshiler, Donald Stephens.
District Attorneys: Jennifer Lindow, Colou Willoughby
Public Defenders: Bryan G. Collins Jr. Dewey T. Okelley III
Clerk of Superior Court: Lorrain Freeman.

I. Have you Begun other LAWSuits in Federal Court Dealing With the SAME Facts Involved in this Action? NO (✓)

II. Place of present Confinement: Wake County Jail, P.O. Box 2419. Raleigh N.C. 27602.

III (A). Did you present the Facts relating to your Complaint to The State Inmate Grievance procedure? NO (✓)

IF your ANSWER is NO, explain Why Not: "The Wake County Courthouse," upon information and belief, doesn't have A Grievance procedure. But I sent A motion AND Request For Dismissal (Before Filing this Complaint) to the Court and etc. (The Under General Statute 15A-711 (C). on Oct. 6th 2008.

ad Was:

I. Jurisdiction & Venue

- 1) This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. [REDACTED]

The Court has Jurisdiction Under 28 U.S.C. Section 1331 and 1343 (A)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claims for injunction relief are authorized by 28 U.S.C. Section 2283 and 2284 and Rule 65 of the Federal Rules of Civil Procedure.

- 2) The Eastern District of North Carolina Western Division is an appropriate venue under 28 U.S.C. Section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

Parties:

II Plaintiff.

- 3) Plaintiff, Lacy Lee Williams, is and was at all times mentioned herein a pre-trial detainee inmate of the State of North Carolina in the custody of the Wake County Jail. He is currently confined in the Wake County Jail, in Raleigh, North Carolina.

III Defendants:

- 4) Defendant, Donald Stephens, is a Wake County Superior Court Judge. His administrative responsibilities is to maintain professional competence in Judicial Administration & facilitate the performance of administrative responsibilities of other Judges & Court officials. It is in his position & Jurisdiction to perform any additional duty consistent with the Constitution and law of the United States. His address is: 316 Fayetteville St. His place of employment is: Wake County Courthouse Raleigh NC 27601.

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Defendants official position, place of employment and position and place of employment for any additional defendants, Continued

15) Defendant, Paul Geshler, is a Wake County Superior Court Judge. His legal Administrative responsibilities is to maintain Professional Competence in Judicial Administration. It is in his position & Jurisdiction to perform any additional duty consistent with the Constitution and law of the United States. His Address is: 316 Fayetteville St. His place of employment is: Wake County Courthouse, Raleigh N.C. 27601.

6) Defendant, Jennifer Lindow, is a Wake County Assistant District Attorney. Her Special Responsibilities as a prosecutor in a Criminal Case shall Refrain from prosecuting a charge that she knows is not supported by probable Cause, and has the responsibility of a minister of Justice and not simply of an Advocate. Her legal Duty as a prosecutor is to seek Justice, not merely to Convict. That responsibility carries with it specific obligations to see that the defendant is accorded procedural Justice and that guilt is decided upon the basis of sufficient evidence. Her Address is: 316 Fayetteville St. Her place of employment is Wake County Courthouse, Raleigh N.C. 27601.

7) Defendant, Colou Willoughby, is the Chief District Attorney. His Responsibilities as a Chief District Attorney is to maintain professional Competence in Judicial procedures and Facilitate the performance of his district ~~attorney~~ Administrative responsibilities of other District ~~attorney~~ Assistant Attorneys. It is in his position and "district Attorney Jurisdiction", to

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Court. 7)

Defendants

perform any additional duty consistent with the Constitution and law of the United States. His Address is: 316 Fayetteville St. His place of employment is: Wake County Courthouse, Raleigh N.C. 27601

8) Defendant, Dewey T. Okelley, is a Wake County Public Defender. His responsibility as a lawyer shall act with reasonable diligence and promptness in representing a client. He should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor. He must also act with commitment and dedication to the interest of the client and with zeal in advocacy upon the client's behalf. His Address: 227 Fayetteville St, Employment is: Wake County public Defenders office, Raleigh N.C. 27601

9) Defendant, Bryan G. Collins Jr. is a Wake County Chief Public Defender. His responsibilities as a head Public Defender is to make sure that his Attorney Staff is acting with reasonable diligence and promptness in representing a client, and that they take his or her professional responsibilities seriously. Also to make sure that a pattern of negligent conduct by his Attorney staff is not excused by burdensome case load or inadequate office procedures. His duty also carry out the responsibility of a client and Attorney relationship and communication, which is necessary for the client to participate in the representation ~~and~~ to make sure ~~that~~ to avoid unreasonable Attorney delay which can cause a client needless anxiety and undermine confidence in the ~~lawyer~~ trustworthiness. His Address is: Wake County public Defenders office: 227 Fayetteville St. His place of employment is: Wake County Public Defenders office Raleigh N.C. 27601.

10). Defendant, Lorrin Freeman, is a clerk of the Wake County Superior Court. Her responsibilities as a superior Court clerk is to make sure that all legal documentation is appropriately filed for the record. Enforce all lawful orders and decrees by execution or otherwise against those who fail to comply therewith or to execute lawful process. Process may be issued by the clerk to be executed in any County of the state and to be returned before her. Certify and exemplify Under Seal of her Court all documents, papers or records therein which shall be received in evidence in all the Courts of the state. Her address is: 316 Fayetteville st. Her place of employment is: Wake County Superior Court, Raleigh N.C. 27601.

11). Each defendant is sued individually and in their official capacity. At all times mentioned in this Complaint each defendant acted under the color of state law.

IV Facts.

12) Due to a Confidential informant stating that plaintiff sold him two (2) Grams of Crack Cocaine on August 25th 2007, Plaintiff was arrested on September 7th 2007 without procedural due process. From an illegal search warrant Plaintiff was charged with: "Possession with intent to sell, deliver Cocaine, maintaining a dwelling for controlled substance."

13) In September of 2007, plaintiff was given by the Court a public defender by the name of Dewey T. Okelley III.

14) At plaintiff first appearance hearing for the alleged drug

Facts:

Charges, the hearing was rescheduled due to the states prosecutor inability to produce C.C.B.I Lab reports

- 15) On November 15th 2007, plaintiff without the assistance of his Attorney, Dewey Okelley, requested to the Court, that the states prosecutor produce for the defense review, The C.C.B.I Lab results & report. The C.C.B.I. Report indicated on date of Arrest, Sept. 7th 07, The Amount of Cocaine was: "0.900, less than One (1) Gram. There were no other C.C.B.I. Report from the Alleged Cocaine purchased by the (C.I) from the plaintiff on August 25th 2007. Therefore, there was no probable cause to Arrest plaintiff on September 7th 2007.
- 16) Attorney Dewey T. Okelley, waived plaintiff probable cause hearing without plaintiff consent under Gen. Stat. 15A-606.
- 17) Attorney Dewey T. Okelley stated to the plaintiff, "After plaintiff questioned his Attorney on the reason why plaintiff charges was bounded over to Superior Court without written consent" was due to an habitual felon indictment, which is only a status and not a crime or charge.
- 18) Due to plaintiff being charged with two habitual felon indictments, his bond was excessively \$305,000. dollars, violating plaintiff's Eighth Amendment rights.
- 19) While awaiting trial, an habitual felon indictment is a "status" and not a charge until guilt is established by a guilty plea.

Facts:

- or Found Guilty by the Jury of Committed Crimes. This Violates plaintiff Rights Under the 8th Amend. Cruel and Unusual punishment.
- 20) Due to numerous complaints sent to the North Carolina bar Association, state bar, public Defenders office and Wake County Clerk of Superior court from the plaintiff Against Dewey T. Okelley, on February 19th 2008 plaintiff received an attorney visit while Unconstitutionally placed at a maximum security prison (Central Prison) on MAXIMUM status, Admin. Seg. Dewey Okelley reassured & Agreed to effectively represent the plaintiff.
- 21) On March 7th 2008, plaintiff appeared for a Superior Court arraignment. Dewey Okelley stated that: He don't know what to do or say in representing the plaintiff on the charges of ASSAULT, Strangulation, Kidnapping, P/W/I/S/D Coercion and Maintaining Dwelling For Controlled Substance.
- 22) On March 9th 2008, Plaintiff sent a letter to the Public Defenders office for Dewey Okelley to file the following Motions: 1) motion for speedy trial. 2) Motion for a Bond hearing. 3) Motion to Suppress evidence. 4) Motion to Dismiss Drug charges due to insufficient evidence, illegal Search Warrant etc etc.
- 23) on March 14th 2008. plaintiff file a motion for a speed trial Under Gen. Stat. 15A-701 & 15A-710 Also Under 3161(c)(1).

Q 7)

Facts:

- 24) On March 14th 2008, Plaintiff sent A Written request And the Speedy trial Motion to the Superior clerk of court that the district Attorney proceed With the prosecution.
- 25) On March 14th 2008, Plaintiff sent A Written Affidavit Advising the District Attorney that the Plaintiff is entitled to A Speedy trial for All charges he WAS Arraigned for on March 7th 2008.
- 26) On May 14th 2008, Plaintiff WAS Found Not guilty for Strangulation And Kidnapping.
- 27) Due to the Arraigned Joinder offences, on March 7th 2008 It WAS the responsibility of the Court, clerk And states' prosecutor to proceed With trial on the charges of: P/W/I/S/O Cocaine, Maintaining Dwelling For Controlled Substance, Due to Plaintiff speedy trial Motion filed: March 14th 2008 For All Arraigned offences.
- 28) During Plaintiff filed speedy trial Motion He WAS Arraigned For the same charges on ~~Five~~ (5) Separate dates.
- 29) On October 6th 2008, Plaintiff filed A Motion For Request of Dismissal of Current charges of P/W/I/S/O C^o And etc. Due to the States failure to prosecute, per General Statute 15A-711(C) For the denial of Plaintiff to A speedy trial Under the Six Amendment of the states & clause of the U.C. Constitution Article I section.

Facts:

- 30) Plaintiff Sent his motion AND Request For Dismissal of Current Charges due to the states Failure to prosecute Under 15A-711 (C) to All Aforementioned Defendants.
- 31) Defendants Failed to respond to plaintiff motion AND Request For ~~Dismissal~~ Dismissal Under Gen. Stat. 15A-711 (C) in A Reasonable time in which plaintiff Stated in his motion: Any further delay in dismissal of these charges Will be Contrary to Law, Will Cause petitioner Anxiety & Concern & Violate petitioners right to due process of Law.

- 32) V EXHAUSTION of legal Remedies.
Plaintiff, Lacy Lee Williams, Sent A Motion AND Request for Dismissal Under Gen. Stat. 15A-711 (C) to the clerk of Superior Court, ~~the~~ Presiding, Residing & Chief Judges & District Attorney's Review AND for them to resolve the Due process Violation on October 6th 2008. Plaintiff, Lacy Lee Williams Jr, presented the Facts relating to this Complaint to Defendants. Plaintiff, Lacy Lee Williams Jr, Never received a response of Dismissal of Criminal prosecution.

VI Legal Claims.

- 33) Plaintiff reallege & incorporate by reference paragraphs 1 to 32.
- 34) The denial of a speedy trial, Judicial process, discrimination, deliberate indifference, bias & prejudice Conduct, Violated Plaintiff, Lacy Lee Williams Jr. rights AND Constituted Cruel & UNUSUAL punishment A due process Violation Under the 6th 8th 14th Amendment of the United States Constitution.

Cont.

Legal Claims:

- 35) The plaintiff has no plain, Adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by Anxiety Stress, Concerns, Anguish and Uncontrolled diabetes by the Conduct of the defendants Unless the Court grants the declaratory and injunctive relief which plaintiff seeks.

.VII Prayer For relief.

- Wherefore, Plaintiff respectfully prays that this Court enter Judgement granting plaintiff:

- 36) A declaration that the Acts & Omissions described herein Violated plaintiff rights Under the Constitution and Law of the United States.

- 37) A preliminary and permanent injunction ordering All Defendants to stop Violating plaintiff procedural and Substantial Due process and Constitutional Rights.

Also For:

All citizen of the United States who are a pre-trial Detainee and who have not been Convicted of a crime especially here in North Carolina.

- 38) Compensatory damages in the Amount of \$ 500,000. Against each defendant, Jointly and Severally.

- 39) Punitive damages in the Amount of \$ 500,000. Against each defendant.

- 40) A Jury trial on All issues triable by Jury

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Cont.

- Prayer For relief:
- 41) Plaintiff Costs in this suit
 - 42) ANY other Additional relief this Court deems Just, proper and equitable.

Respectfully Submitted Hereon this date of: October 28th 2008.

Lacy Lee Williams Jr.
Wake County Jail
PO Box 2419
Raleigh N.C. 27602.

Verification

I have read The Foregoing Complaint and hereby verify that the matters Alleged therein are true.
I Certify Under penalty of perjury that the Foregoing is true AND Correct.

Executed At Raleigh, North Carolina - 10-28-08

Lacy Lee Williams Jr.
Lacy Lee Williams Jr.

Alan Moore 10-29-08
Alan Moore

